

IN RE: PETITION FOR VARIANCE
W/S York Road, 285' S of the
c/ of Ridgely Road
(1734-1776 York Road)
8th Election District
4th Councilmanic District

Ridgely Ltd. Part., et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-207-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1734-1776 York Road, in Lutherville. The Petition was filed by the owners of the property, Ridgely Limited Partnership, MacKenzie Properties, Inc., General Partner, by Gary T. Gill, Executive Vice President, and Haddon Charles Limited Partnership, GFS Realty, Inc., General Partner, by Mike Bush, Vice President, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek relief from Section 413.2.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one (1) shopping center identification sign of 200 sq.ft. per face (400 sq.ft. total) in lieu of the two (2) signs of 150 sq.ft. per face (600 sq.ft. total) permitted, and from Section 413.5.D to permit a height of 30 feet for said shopping center identification sign in lieu of the maximum allowed 25 feet. The subject property and relief sought are more particularly described on the site plan submitted and identified here as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Gary T. Gill and Julio O. Purcell with MacKenzie and Associates, Inc., and David L. Martin with George W. Stephens, Jr. and Associates, Inc. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of a gross area of 5.704 acres, more or less, zoned B.L.-C.C.C.,

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ORDER RECEIVED FOR FILING

Date

By

9/15/95
[Signature]

and is the site of a retail shopping center known as Ridgely Plaza. The shopping center is comprised of a variety of stores and services, including a Giant Food Store, as more particularly described on the site plan submitted and marked as Petitioner's Exhibit 1. Testimony revealed that during recent renovations to the subject site, the Giant Food Store was expanded and the facade of the building changed to the extent that the Ridgely Liquor Store, which is located in the southwest corner of the site, is somewhat obscured from view. Testimony indicated that Ridgely Liquors has had an overall decrease in sales since the expansion of the Giant Food Store. The Petitioners propose to raise the existing shopping center sign to add a 5' x 10' identification sign for Ridgely Liquors. Due to the addition of the proposed sign, the height of the existing shopping center sign will be increased to 30 feet and contain 200 sq.ft. of signage per face, or 400 sq.ft. total. Thus, the requested variances are necessary. It should be noted however, that because the property has frontage on two streets, the Petitioners are permitted to have two (2) identification signs of 150 sq.ft. per face (600 sq.ft. total) on their property. Given the fact that the Petitioners only have one sign to identify all of its tenants and the fact that the proposed additional signage will result in an overall signage of less than that permitted for the entire site, it appears that the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of February, 1995 that the Petition for Variance seeking relief from Section 413.2.E of the Baltimore County Zoning

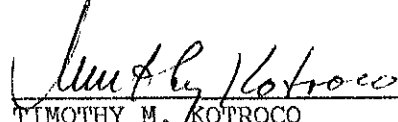
ORDER RECEIVED FOR FILING
Date 2/15/95
By [Signature]

Regulations (B.C.Z.R.) to permit one (1) shopping center identification sign of 200 sq.ft. per face (400 sq.ft. total) in lieu of the two (2) signs of 150 sq.ft. per face permitted (600 sq.ft. total), and from Section 413.5.D to permit a height for said shopping center identification sign of 30 feet in lieu of the maximum allowed 25 feet, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Pursuant to the comments submitted by the Developers Engineering Section of the Department of Public Works, dated December 27, 1994, the Petitioners shall replace the Class "B" shrub screen row as required by the previously approved landscape plan for this site. In addition, the Petitioners shall be required to replace any and all landscaping provided for this site as it becomes necessary to do so. That is, all plant materials for this site shall be regularly maintained so that at all times, the landscaping provides a healthy, living buffer for this property.

3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/15/95
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 15, 1995

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S York Road, 285' S of the c/l of Ridgely Road
(1734-1776 York Road)
8th Election District - 4th Councilmanic District
Ridgely Limited Partnership, et al - Petitioners
Case No. 95-207-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Gary T. Gill, Executive Vice President, MacKenzie & Assoc., Inc.
2328 W. Joppa Road, Suite 200, Lutherville, Md. 21093

People's Counsel

File





Petition for Variance

75-207-A

to the Zoning Commissioner of Baltimore County

for the property located at

1734-1776 York Road

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

a) 413.2.E to permit one shopping center identification sign of 200 sq. ft. per face (400 sq. ft. cumulative) in lieu of the two allowed shopping center identification signs of 150 sq. ft. per face (600 sq. ft. cumulative) and b) 413.5.D to permit a shopping center identification sign of 30 ft. in height in lieu of the maximum allowed* of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at the public hearing

*25 ft. in height.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

G. Scott Barhight

(Type or Print Name)

Signature

4th Floor

210 W. Pennsylvania Ave

832-2050

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Printed with Soybean Ink
on Recycled Paper

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s): Ridgely Limited Partnership

MacKenzie Properties, Inc., GenPar

By:

(Type or Print Name) Harry T. Gill Exec. Vice Pres.

Signature

Haddon Charles Ltd. Partnership

GFS Realty, Inc., GenPartner

By: Mike Bush, Vice President

(Type or Print Name)

Signature

c/o MacKenzie & Associates

2328 W. Joppa Road, Suite 200

Address

Phone No

Lutherville, MD 21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

Name 210 W. Pennsylvania Ave, 4th Floor

Towson, MD 21204

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

12-9-94

#205

ORDER RECEIVED FOR FILING

Date

By



MICROFILMED

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

75-207-A

Description to Accompany Zoning
Petition for Variance Ridgely Plaza.
Parcels 2, 3A and 3B

December 5, 1994

Beginning for the same on the west side of York Road said point being distant South 18° East 285 feet more or less from the center line intersection of York Road and Ridgely Road running thence and binding along the west side of York Road

1 - South 20° 15' 47" East 248.03 feet thence leaving York Road and running thence the fourteen following courses viz:

- 2 - South 74° 39' 52" West 137.18 feet
- 3 - South 20° 17' 08" East 134.15 feet
- 4 - North 86° 26' 25" West 45.60 feet
- 5 - South 03° 27' 35" West 22.75 feet
- 6 - South 81° 14' 35" West 122.83 feet
- 7 - South 78° 04' 35" West 305.05 feet
- 8 - North 21° 16' 40" West 371.27 feet
- 9 - By a curve to the right having a radius of 988.40 feet for a distance of 5.00 feet
- 10 - North 64° 27' 56" East 151.23 feet
- 11 - South 25° 31' 45" East 44.00 feet
- 12 - North 72° 27' 55" East 136.00 feet
- 13 - North 53° 46' 50" East 99.73 feet
- 14 - South 25° 34' 32" East 63.55 feet and
- 15 - North 69° 42' 38" East 224.11 feet to the place of beginning.

Containing 4.97 acres of land more or less.

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND IS NOT FOR
USE IN CONVEYANCE OF LAND.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-207-H

District: 8th Date of Posting: 12/22/94
Posted for: Variance
Petitioner: Ridgely Limited Partnership & Haddon Charles Ltd. Park
Location of property: 1734-1736 York Rd. N/S
Location of Signs: Facing road way, on property being zoned
Remarks: _____
Posted by: M. H. Harty Date of return: 1/30/95
Signature
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office

Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-207-A
(Item 205)

1734 - 1738 York Road —
Ridgely Plaza

W/S York Road, 285' S of
c/ Ridgely Road

8th Election District

4th Councilmanic

Legal Owner(s):

Ridgely Limited

Partnership and Haddon

Charles Limited

Partnership

Hearing: Wednesday,

January 18, 1996 at

11:00 a.m. in Rm. 106,

County Office Building.

Variance to permit 1 shopping center identification sign of 200 square feet per face (400 square feet cumulative) in lieu of the 2 allowed shopping center identification signs of 150 square feet per face (300 square feet cumulative); and to permit a shopping center identification sign of 30 feet in height in lieu of the maximum allowed 25 feet in height.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
12/233 December 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Dec. 23, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 22, 1994.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Date 12-9-94

Item Number 205
Taken in by: *SP*

Owners: Ridgely LTD. Partnership
Haddon Charles LTD. Partnership
Site: Ridgely Plaza (1734-76 York Rd.)

#020	Commercial Variance Filing fee	\$ 250.00
#080	Sign & posting	35.00
Total		\$ 285.00

RECEIVED

03/13/95 04:21:00
BA 00415374M12 00 94

12/9/94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 205

Petitioner: Ridgely Ltd Part, Hadden Charles Ltd Part

Location: 1734 - 1776 York Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Barhight

ADDRESS: White Ford, Taylor + Preston, Suite 400, 210 West

Pennsylvania Ave., Towson, MD 21204

PHONE NUMBER: 832-2050

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
December 22, 1994 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight, Esq.
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204
832-2050

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-207-A (Item 205)
1734 - 1736 York Road -- Ridgely Plaza
W/S York Road, 285' S of c/l Ridgely Road
8th Election District - 4th Councilmanic
Legal Owner(s): Ridgely Limited Partnership and Haddon Charles Limited Partnership
HEARING: WEDNESDAY, JANUARY 18, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit 1 shopping center identification sign of 200 square feet per face (400 square feet cumulative) in lieu of the 2 allowed shopping center identification signs of 150 square feet per face (600 square feet cumulative); and to permit a shopping center identification sign of 30 feet in height in lieu of the maximum allowed 25 feet in height.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 15, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-207-A (Item 205)

1734 - 1736 York Road -- Ridgely Plaza

W/S York Road, 285' S of c/1 Ridgely Road

8th Election District - 4th Councilmanic

Legal Owner(s): Ridgely Limited Partnership and Haddon Charles Limited Partnership

HEARING: WEDNESDAY, JANUARY 18, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit 1 shopping center identification sign of 200 square feet per face (400 square feet cumulative) in lieu of the 2 allowed shopping center identification signs of 150 square feet per face (600 square feet cumulative); and to permit a shopping center identification sign of 30 feet in height in lieu of the maximum allowed 25 feet in height.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: MacKenzie & Associates
E. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 12, 1995

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 205
Case No.: 95-207A
Petitioner: Ridgely Ltd.

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 9, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/04/95

Arnold Tablor
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 19, 1994.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 197, 200, 204, 205 AND 206.

RECEIVED
JAN 5 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWOLD
Fire Marshal Office, PHONE 837-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 27, 1994
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 27, 1994
Item No. 205

The Developers Engineering Section has reviewed the subject zoning item. The Class "B" shrub screen row as required by the previously approved landscape plan for this site has died. Therefore, it should be replaced as a condition of granting this variance.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 20, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

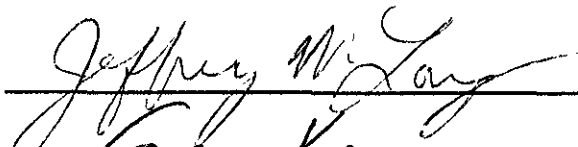
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

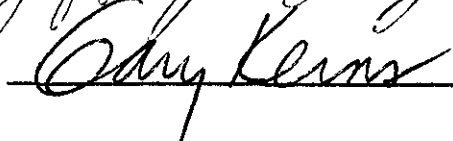
Item Nos. 199 and 205.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



PK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
1734 - 1736 York Road, W/S York Road,		
285' S of c/l Ridgely Road, 8th	*	ZONING COMMISSIONER
Election Dist., 4th Councilmanic		
	*	OF BALTIMORE COUNTY
Ridgely Limited Partnership and		
Haddon Charles Limited Partnership	*	CASE NO. 95-207-A
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

GARY GILL

2328 W. JOPPA RD. 21093

Julio O. PARCELL

2328 W. JOPPA RD 21093

DAVID L. MARTIN

658 KENILWORTH AVE. 21204



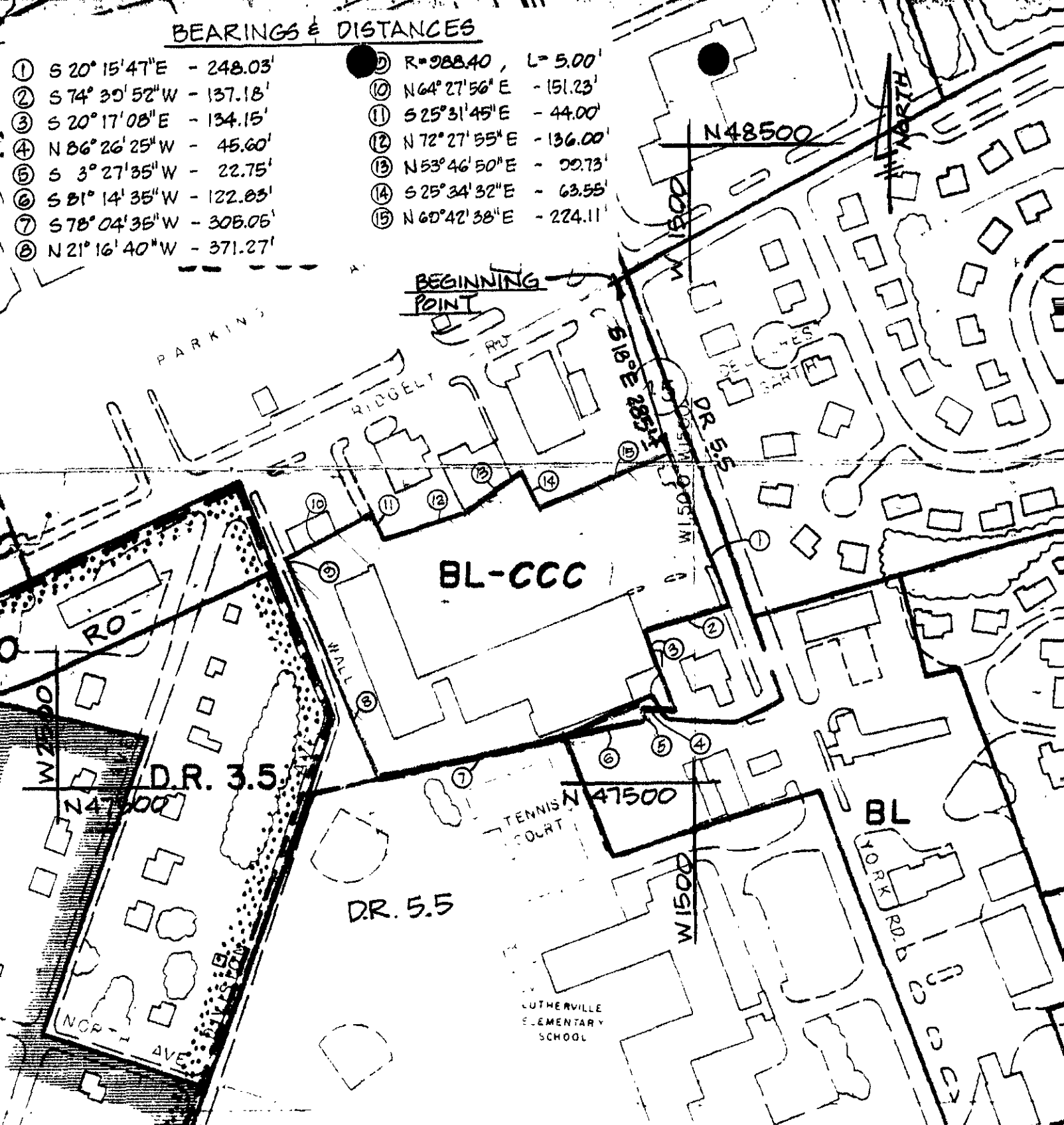
Printed with Soybean Ink
on Recycled Paper

3/1/07
JMD/

BEARINGS & DISTANCES

- ① S 20° 15' 47" E - 248.03'
- ② S 74° 35' 52" W - 137.18'
- ③ S 20° 17' 08" E - 134.15'
- ④ N 86° 26' 25" W - 45.60'
- ⑤ S 3° 27' 35" W - 22.75'
- ⑥ S 81° 14' 35" W - 122.03'
- ⑦ S 78° 04' 36" W - 306.05'
- ⑧ N 21° 16' 40" W - 371.27'

- ⑨ R=988.40, L=5.00'
- ⑩ N 64° 27' 56" E - 151.23'
- ⑪ S 25° 31' 45" E - 44.00'
- ⑫ N 72° 27' 55" E - 136.00'
- ⑬ N 53° 46' 50" E - 99.73'
- ⑭ S 25° 34' 32" E - 63.55'
- ⑮ N 60° 42' 38" E - 224.11'



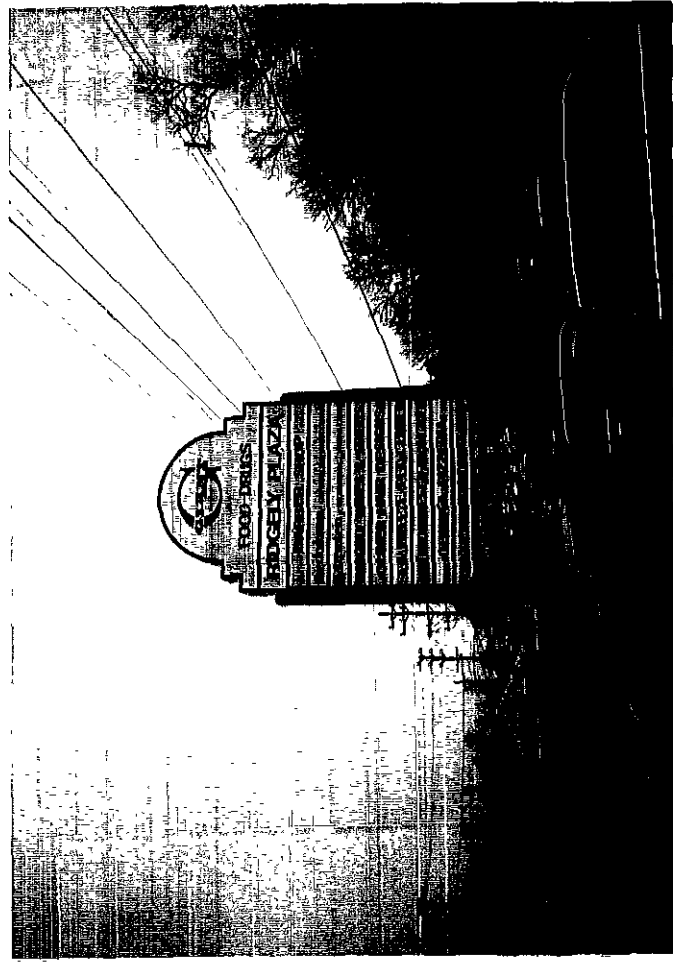
205

EXHIBIT
TO ACCOMPANY ZONING PETITION
PART OF ZONING MAPS
NW 12A & 13A

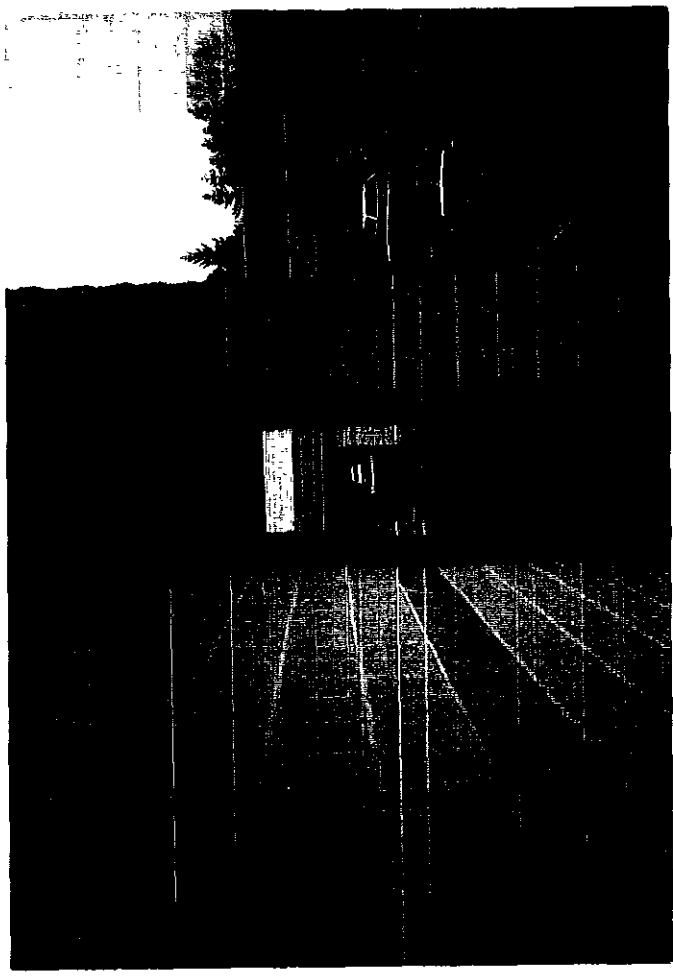
SCALE: 1" = 200'

DATE: DEC. 2, 1994

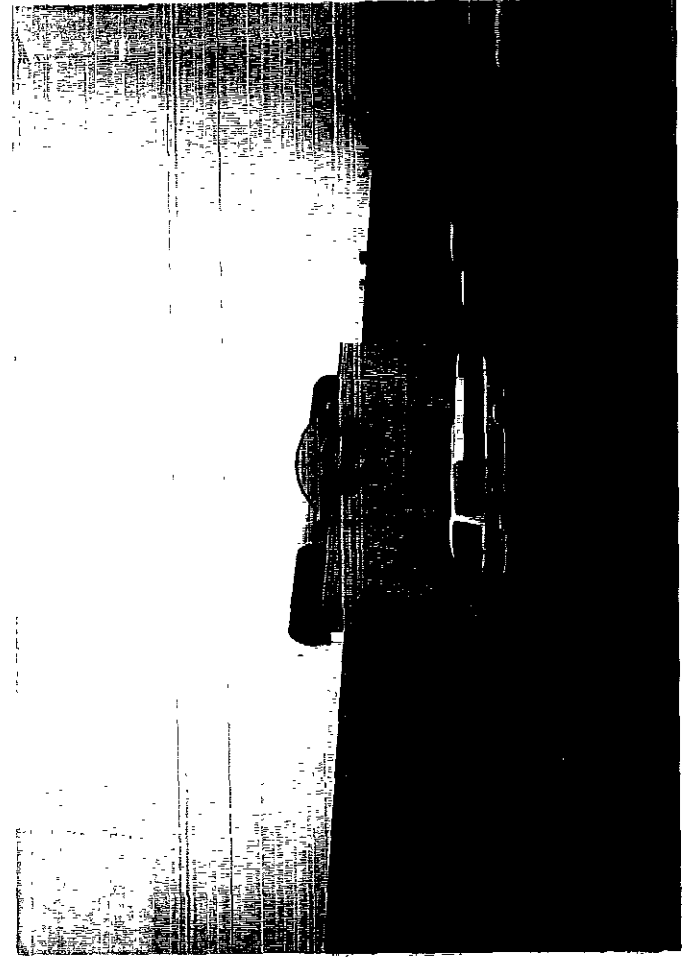
95-207-A



PETITIONER'S EXHIBITS 2A



2B



2C



2D

IN RE: PETITION FOR VARIANCE
W/S York Road, 285' S of the
c/l of Ridgely Road
(1734-1776 York Road)
8th Election District
4th Councilmanic District
Ridgely Ltd. Part., et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-207-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1734-1776 York Road, in Lutherville. The Petition was filed by the owners of the property, Ridgely Limited Partnership, MacKenzie Properties, Inc., General Partner, by Gary T. Gill, Executive Vice President, and Haddon Charles Limited Partnership, GFS Realty, Inc., General Partner, by Mike Bush, Vice President, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek relief from Section 413.2.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one (1) shopping center identification sign of 200 sq.ft. per face (400 sq.ft. total) in lieu of the two (2) signs of 150 sq.ft. per face (600 sq.ft. total) permitted, and from Section 413.5.D to permit a height of 30 feet for said shopping center identification sign in lieu of the maximum allowed 25 feet. The subject property and relief sought are more particularly described on the site plan submitted and identified here as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Gary T. Gill and Julio O. Purcell with MacKenzie and Associates, Inc., and David L. Martin with George W. Stephens, Jr. and Associates, Inc. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of a gross area of 5.704 acres, more or less, zoned B.L.-C.C.C.,

and is the site of a retail shopping center known as Ridgely Plaza. The shopping center is comprised of a variety of stores and services, including a Giant Food Store, as more particularly described on the site plan submitted and marked as Petitioner's Exhibit 1. Testimony revealed that during recent renovations to the subject site, the Giant Food Store was expanded and the facade of the building changed to the extent that the Ridgely Liquor Store, which is located in the southwest corner of the site, is somewhat obscured from view. Testimony indicated that Ridgely Liquors has had an overall decrease in sales since the expansion of the Giant Food Store. The Petitioners propose to raise the existing shopping center sign to add a 5' x 10' identification sign for Ridgely Liquors. Due to the addition of the proposed sign, the height of the existing shopping center sign will be increased to 30 feet and contain 200 sq.ft. of signage per face, or 400 sq.ft. total. Thus, the requested variances are necessary. It should be noted however, that because the property has frontage on two streets, the Petitioners are permitted to have two (2) identification signs of 150 sq.ft. per face (600 sq.ft. total) on their property. Given the fact that the Petitioners only have one sign to identify all of its tenants and the fact that the proposed additional signage will result in an overall signage of less than that permitted for the entire site, it appears that the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2 -

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of February, 1995 that the Petition for Variance seeking relief from Section 413.2.E of the Baltimore County Zoning

ORDER RECEIVED FOR FILING
Date 2/15/95
By [Signature]

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Regulations (B.C.Z.R.) to permit one (1) shopping center identification sign of 200 sq.ft. per face (400 sq.ft. total) in lieu of the two (2) signs of 150 sq.ft. per face permitted (600 sq.ft. total), and from Section 413.5.D to permit a height for said shopping center identification sign of 30 feet in lieu of the maximum allowed 25 feet, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to the comments submitted by the Developers Engineering Section of the Department of Public Works, dated December 27, 1994, the Petitioners shall replace the Class "B" shrub screen row as required by the previously approved landscape plan for this site. In addition, the Petitioners shall be required to replace any and all landscaping provided for this site as it becomes necessary to do so. That is, all plant materials for this site shall be regularly maintained so that at all times, the landscaping provides a healthy, living buffer for this property.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/15/95
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 15, 1995

(410) 887-4386

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S York Road, 285' S of the c/l of Ridgely Road
(1734-1776 York Road)
8th Election District - 4th Councilmanic District
Ridgely Limited Partnership, et al - Petitioners
Case No. 95-207-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

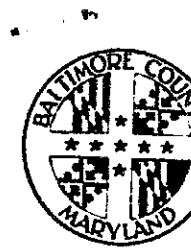
[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Gary T. Gill, Executive Vice President, MacKenzie & Assoc., Inc.
2328 W. Joppa Road, Suite 200, Lutherville, Md. 21093

People's Counsel

File



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1734-1776 York Road
which is presently zoned BL-COC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) a) 413.2.E to permit one shopping center identification sign of 200 sq. ft. per face (400 sq. ft. cumulative) in lieu of the two allowed shopping center identification signs of 150 sq. ft. per face (600 sq. ft. cumulative) and b) 413.5.D to permit a shopping center identification sign of 30 ft. in height in lieu of the maximum allowed of the Zoning Regulations of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) To be presented at the public hearing

*25 ft. in height.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchase/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

Business

Home

Mobile

Other

Other

Other

Other

Other

Other

Legal Owner(s):
Ridgely Limited Partnership
MacKenzie Properties, Inc., GenPart
(Type or Print Name) (Type or Print Name) Exec. Vice Pres.

Signature
Haddon Charles Limited Partnership
BY: Mike Bush, Vice President
(Type or Print Name)

Signature
G. Scott Barhight
Deputy Zoning Commissioner
for Baltimore County

Signature
c/o MacKenzie & Associates
2328 W. Joppa Road, Suite 200
Lutherville, MD 21093

Signature
G. Scott Barhight
210 W. Pennsylvania Ave, 4th Floor
Towson, MD 21204
832-2050

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Towson, MD 21204
832-2050

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

75-207-A

Description to Accompany Zoning
Petition for Variance Ridgely Plaza
Parcels 2, 3A and 3B

December 5, 1994

Beginning for the same on the west side of York Road said point being distant South 18° East 285 feet more or less from the center line intersection of York Road and Ridgely Road running thence and binding along the west side of York Road

- 1 - South 20° 15' 47" East 248.03 feet thence leaving York Road and running thence the fourteen following courses viz:
 - 2 - South 74° 39' 52" West 137.18 feet
 - 3 - South 20° 17' 08" East 134.15 feet
 - 4 - North 86° 26' 25" West 45.60 feet
 - 5 - South 03° 27' 35" West 22.75 feet
 - 6 - South 81° 14' 35" West 122.83 feet
 - 7 - South 78° 04' 35" West 305.05 feet
 - 8 - North 21° 16' 40" West 371.27 feet
 - 9 - By a curve to the right having a radius of 988.40 feet for a distance of 5.00 feet
 - 10 - North 64° 27' 56" East 151.23 feet
 - 11 - South 25° 31' 45" East 44.00 feet
 - 12 - North 72° 27' 55" East 136.00 feet
 - 13 - North 53° 46' 50" East 99.73 feet
 - 14 - South 25° 34' 32" East 63.55 feet and
 - 15 - North 69° 42' 38" East 224.11 feet to the place of beginning.
- Containing 4.97 acres of land more or less.

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND IS NOT FOR USE IN CONVEYANCE OF LAND.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 12/21/94
Posted for: Variance
Petitioner: Ridgely Limited Partnership & Haddon Charles Ltd. P.A.
Location of property: 1734-1776 York Rd., 4th
Location of Signs: Frontage on York Rd. on property being zoned
Remarks:
Posted by: [Signature] Date of return: 1/12/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec 23, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 23, 1994.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

Ridgely Limited Partnership and
Haddon Charles Limited Partnership *

Peter Max Timmerman

Charles S. Demilio

Peter Max Zimmerman

GARY GILL
JULIO O. PURCELL
DAVID L. MARTIN

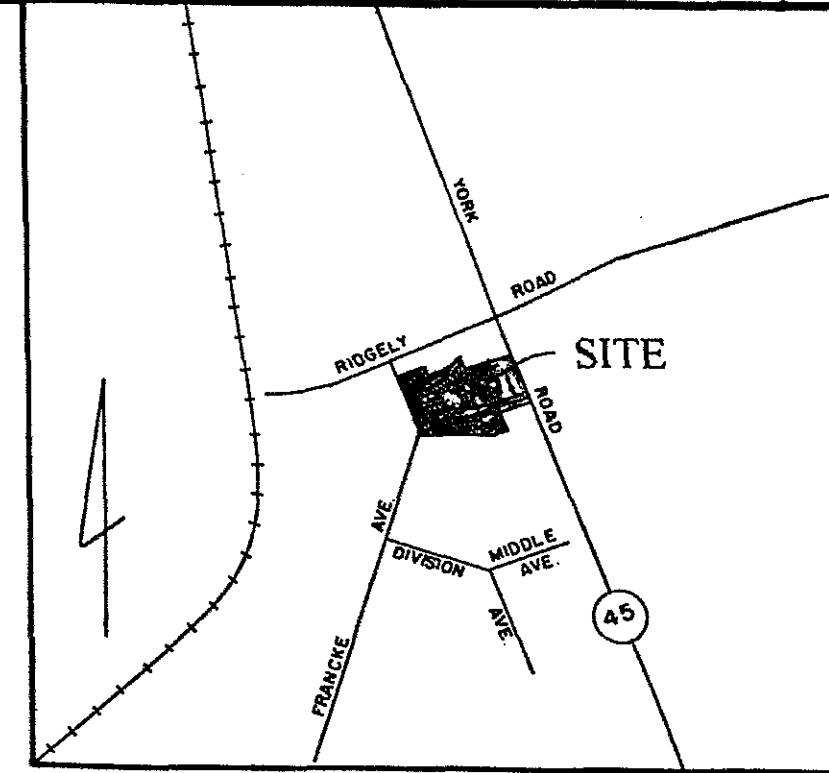
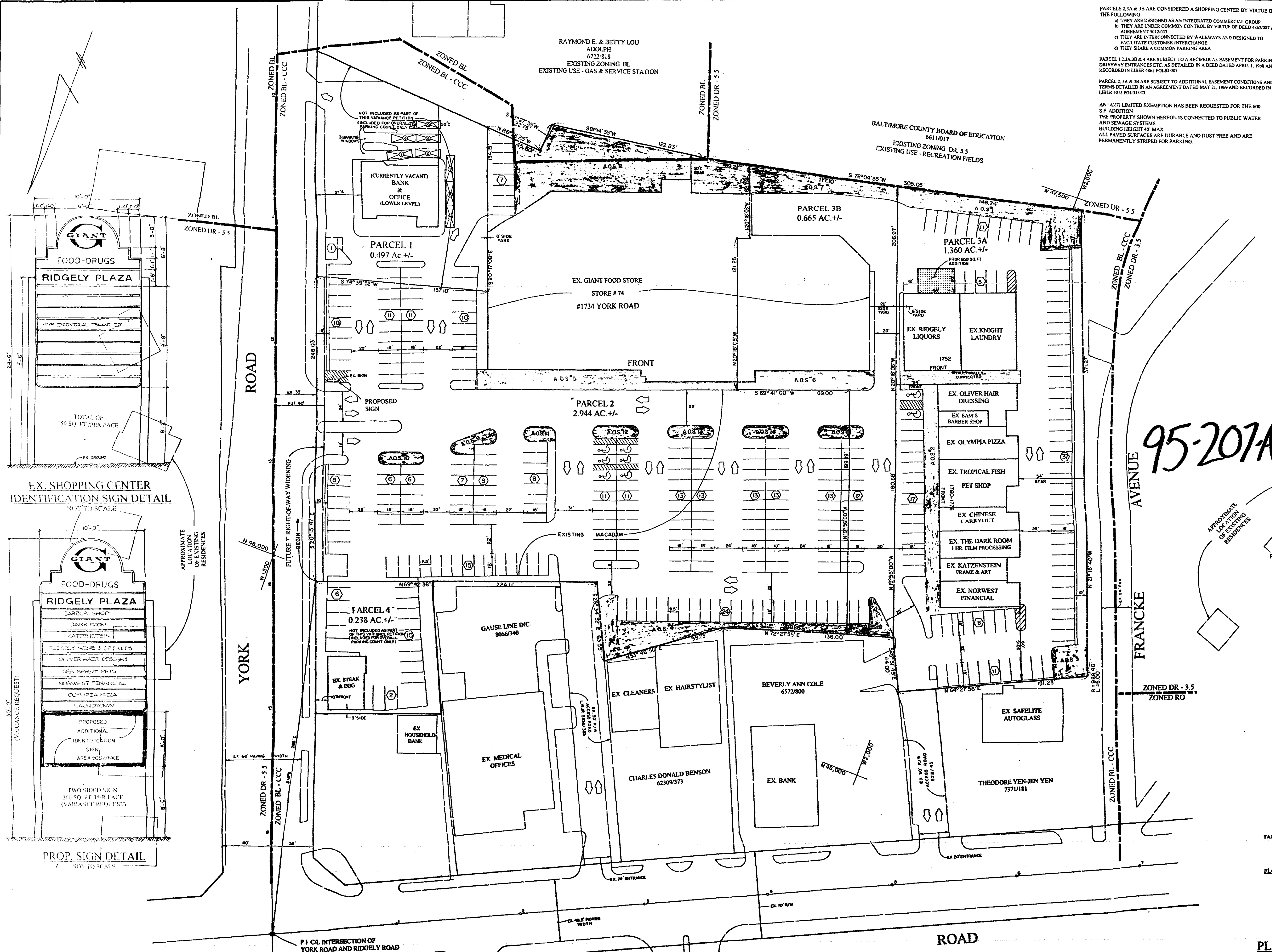
2328 W. JOPPA RD. 21093
2328 W. JOPPA RD 21093
658 KENILWORTH AVE. 21224

BEARINGS & DISTANCES

① S 20° 15' 47"E - 248.03'	⑩ R=988.40, L=5.00'
② S 74° 30' 52"W - 137.18'	⑪ N 64° 27' 56"E - 151.23'
③ S 20° 17' 08"E - 134.15'	⑫ S 25° 31' 45"E - 44.00'
④ N 86° 26' 25"W - 45.60'	⑬ N 72° 27' 55"E - 136.00'
⑤ S 3° 27' 55"W - 22.75'	⑭ N 53° 42' 50"E - 29.73'
⑥ S 51° 14' 35"W - 122.05'	⑮ S 25° 34' 32"E - 63.55'
⑦ S 75° 04' 35"W - 305.05'	⑯ N 65° 42' 35"E - 224.11'
⑧ N 21° 16' 40"W - 371.27'	

205

95-207-A



VICINITY MAP
SCALE 1" = 1000'

BENCH MARK DESCRIPTION
B.M. #1
BALTIMORE COUNTY HUB NUMBER X-9821 "A" SQUARE CUT CENTERLINE INLET HEADER N. SIDE OF RIDGELY ROAD @ P.C. INTO LAST ENTRANCE ONTO RIDGELY SHOPPING CENTER OPPOSITE KURTZ AND FRANCKE ELEV. 355.864
B.M. #2
BALTIMORE COUNTY HUB NUMBER X-9821 R.R. SPIKE CENTERLINE RIDGELY ROAD OPPOSITE KURTZ AND FRANCKE ELEV. 356.123

SITE TABULATION

PARCEL	AREA	USE	ACRES
1	0.497	(NATIONS BANK)	0.497
2	2.944	(GIANT)	2.944
3A	1.360	(STRIP STORES)	1.360
3B	0.665	(GIANT)	0.665
4	0.238	(STEAK & EGG)	0.238
TOTAL	5.704		5.704

OWNERS

PARCEL 1	EQUITABLE TRUST CO.
PARCEL 2 & 3B	HADDON CHARLES LTD. PARTNERSHIP
PARCEL 3A	RIDGELY LIMITED PARTNERSHIP
PARCEL 4	DOBBIS HOUSE RESTAURANT INC.

EXISTING ZONING
BL-CCC & BL-DR-5.5
EXISTING USE
BL-CCC & BL-DR-5.5
AMENITY OPEN SPACE (COMPUTED FOR ALL PARCELS)
GFA = 67,911 sq. ft.
AOS = 0.2 x 67,911 = 13,582 sq. ft.
PROVIDED AOS = 13,582 sq. ft.

PARKING REQUIRED

PARCEL	USE	SPACES
1	BANK	4
2	THE KAUFER AGENCY (BASEMENT LEVEL GENERAL OFFICE)	4
3A	GIANT FOOD	87
3B	GIANT FOOD	87
4	STEAK & EGG	17
TOTAL		137

TAX ACCOUNT #'S

PARCEL 1	08-05-074002
PARCEL 2 & 3B	08-07-001000
PARCEL 3A	08-13-026191
PARCEL 4	08-04-051540

FLOOR AREA RATIO

PARCEL	FAR	MAX
1	135	27 < 40
2 & 3B	99	27 < 40
3A	40	29 < 40
4	1360	13 < 40

PLAT TO ACCOMPANY ZONING PETITION
RIDGELY PLAZA
#1734-1776 YORK ROAD
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT #8
COUNCILMANIC DISTRICT #4
DECEMBER 6, 1994

PETITIONER'S EXHIBIT NO. 1

205

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

NOTE:
PARCEL 1 & PARCEL 4 ARE SHOWN HEREON FOR INFORMATIONAL PURPOSES ONLY WITH REGARD TO OVERALL PARKING REQUIREMENTS. SIGNAGE FOR PARCEL 1 & PARCEL 4 IS INDEPENDENT OF PARCELS 2, 3A & 3B. THE OWNERS OF PARCEL 1 & PARCEL 4 DO NOT JOIN IN THIS PETITION FOR THE SIGNAGE VARIANCE RELATED TO PARCELS 2, 3A & 3B.

PLAN
SCALE 1" = 30'

PETITIONERS
PARCEL 3A
RIDGELY LTD. PARTNERSHIP
c/o MCKENZIE & ASSOC.
2328 W. JOPPA ROAD, SUITE 200
LUTHERVILLE, MD 21093
PARCEL 2 & 3B
HADDON CHARLES LTD. PARTNERSHIP
c/o G.F.S. REALTY
P.O. BOX 1804
WASHINGTON D.C. 20013-1804

A VARIANCE IS REQUESTED TO SECTION 413.2E TO PERMIT A SINGLE SHOPPING CENTER IDENTIFICATION SIGN OF 200 sq. ft. PER FACE, (400 sq. ft. CUMULATIVE TOTAL) IN LIEU OF THE TWO PERMITTED SHOPPING CENTER IDENTIFICATION SIGNS OF 150 sq. ft. PER FACE. MAXIMUM (600 sq. ft. CUMULATIVE TOTAL)

A VARIANCE IS REQUESTED TO SECTION 413.3D TO PERMIT A SHOPPING CENTER IDENTIFICATION SIGN OF 308 IN HEIGHT IN LIEU OF THE MAXIMUM 25 FEET IN HEIGHT